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October 26, 2012

Via Electronic Filing and Overnight Delivery

Hon. Dickinson R. Debevoise, U.S.D.J.  
MLK Jr. Federal Courthouse, Room 5083  
50 Walnut Street  
Newark, New Jersey 07101-0999

RE: Salah Williams v State of New Jersey  
Dkt. No. 10-cv-3478 (DRD)

Dear Judge Debevoise:

I represent the defendants in the above referenced matter. I write the Court with the knowledge, consent and on behalf of the plaintiff's counsel, Randy Davenport, Esq. and myself.

On October 1, 2012, the Court filed a schedule for the filing of in limine motions, opposition and replies thereto, argument on the motions and a trial date. (PACER DOC. No. 53). In light of the following, we ask the Court to accept this correspondence as our mutual request for an adjournment of all those dates for the period of time indicated below.

On October 29, 2012, I am scheduled to appear before the Hon. Katherine Hayden, U.S.D.J. to argue in limine motions in the matter of Bass v New Jersey State Police, Dkt. No. 10-cv-1195, a 42 U.S.C. §1983 excessive force, false arrest and malicious prosecution case. A scheduling conference regarding the submission of voir dire questions, proposed jury charges and verdict sheet will follow the argument. I will also be meeting with a witness in that case the



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morning of November 2 and on November 8, I and another Deputy will be conducting a "mock" trial in Trenton to prepare our defendants and other witnesses. Trial is scheduled to begin on Tuesday, November 13 and is anticipated to last approximately 8 to 10 trial days.

In addition, I have a Fed.R.Civ.P. 12(c) Motion for Judgment on the Pleadings due on October 31 in the matter of Turner v NJSP, Dkt. No. 08-cv-05163 and a Motion for Summary Judgment due that same day in Santini v NJSP, Dkt. No. 11-00977. On November 5, unless extended, I have an opposition brief due in the appellate matter of Mann v Walder, et als., Dkt. No. A-0863-11. On that same date, I have due an opposition to a Motion for Sanctions Pursuant to Fed.R.Civ.P. 37, filed by the plaintiff in the matter of Fried v Trooper Tetzlaff, Dkt. No. 11-02074. Following these matters, I am currently scheduled to begin trial on December 3, 2012 in the matter of Shallcross v NJSP, Dkt. No. MER-L-3172-10 a multi-count and multi-cause employment/discrimination action venued in Mercer County and on December 13, in the case of Greenberg v NJSP, Dkt. No. BUR-L-552-09, a mixed §1983 and New Jersey Tort Claim matter.

Although the Court issued its schedule on October 1, I was not able to begin work on the motions as I had due on October 12, two Motions to Dismiss, one in the aforementioned Shallcross case and another in the matter of Mitchell v Fuentes, Dkt. No. 12-cv-02255, a racial profiling and conspiracy case brought pursuant to §1983. On that same date, I left for a week long vacation in Virginia with my wife to celebrate our anniversary, not returning to work until October 22.

In speaking with a member of Mr. Davenport's office, I was informed that Mr. Davenport currently has a trial scheduled for November 1, 2012 in the matter of Midland Funding v Williams in Somerset County and must respond to a Motion to Dismiss, With Prejudice, in the matter of Araromi v Middle Township Police Dept., Dkt. No. 10-cv-1048. I believe that motion is returnable November 19.

Based on all of the above, myself and Mr. Davenport are requesting that the Court adjourn all activity in this matter for approximately two months, rescheduling the filing of in limine motions for early in January with the successive activity to occur on the same frequency as indicated in the current order. For myself personally, I would not make this request except under the extremity of circumstances described above regarding my trial and briefing schedule. It is normally heavy since I am the senior

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Deputy in the Corrections & State Police Section and am usually assigned the most complex State Police matters. However, the current work schedule is beyond even what I am used to and generally handle on a day to day basis.

Accordingly, I am asking, on behalf of both counsel, but in particular for myself, the Court's consideration and indulgence in granting this adjournment. Should there be any questions about the above, I will make myself available at the Court's convenience to respond to any inquiry.

Respectfully submitted,

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY

By: *Vincent J. Rizzo*  
Vincent J. Rizzo  
Deputy Attorney General

VJR:vm

c: Randy Davenport, Esq. (via electronic filing and regular mail)